

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DEIDRA O'SHEA, JAY S. WALKER, ANDREW VAN  
LUCHENE, MAGDALENA MIK, ADAM STEVENSON and ALLISON B.  
SCOTT

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Appeal 2008-001965  
Application 09/535,790  
Technology Center 3600

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Mailed: August 21, 2009

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Before DALE M. SHAW, *Chief Appeals Administrator*  
SHAW, *Chief Appeals Administrator*

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 23, 2009. A Docketing Notice was mailed and Appeal No. 2008-001965 was assigned on March 3, 2008. A review of the application has revealed that the application was not ready for an appeal.

Appeal 2008-001965  
Application 09/535,790

On December 11, 2008, the examiner mailed a supplemental Examiner's Answer to appellants. This supplemental Examiner's Answer introduced a new ground of rejection on claims 1-87, and 162-167. On February 5, 2009, the appellants timely filed an amendment requesting the reopening of prosecution of the application under 37 C.F.R. § 41.39.

Accordingly, it is ORDERED that the application is remanded to the Examiner to reopen prosecution in accordance to the appellants' February 5, 2009 request.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/mev

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